

HOUSE BILL NO. 308

INTRODUCED BY MUSGROVE, TESTER

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING ~~THAT A~~ THE REQUIREMENTS FOR SEXUAL OR
5 VIOLENT OFFENDER MUST OFFENDERS TO PAY THE COSTS OF REGISTERING WITH STATE AND
6 LOCAL LAW ENFORCEMENT AGENCIES; ~~PROVIDING THAT A~~ REQUIRING CERTAIN SEXUAL OR
7 VIOLENT OFFENDER OFFENDERS WHO ~~IS~~ ARE REQUIRED TO REGISTER ~~MUST TO~~ ALSO, IF ABLE TO
8 PAY, PAY FOR THE COSTS ASSOCIATED WITH NOTIFYING OR DISSEMINATING INFORMATION TO A
9 VICTIM, PERSON, GROUP, ENTITY, OR THE PUBLIC; PROVIDING THAT THE MONEY MUST BE
10 DEPOSITED IN THE GENERAL FUND OF THE GOVERNMENTAL ENTITY OF WHICH THE AGENCY IS A
11 PART; AND AMENDING SECTIONS 46-23-504 AND 46-23-508, MCA."

12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14

15 **Section 1.** Section 46-23-504, MCA, is amended to read:16 **"46-23-504. Persons required to register -- procedure.** (1) A sexual or violent offender:17 (a) shall register immediately upon conclusion of the sentencing hearing if the offender is not sentenced
18 to confinement or is not sentenced to the department and placed in confinement by the department;19 (b) must be registered as provided in 46-23-503 at least 10 days prior to release from confinement if
20 sentenced to confinement or sentenced to the department and placed in confinement by the department;21 (c) shall register within 10 days of entering a county of this state for the purpose of residing or setting
22 up a temporary domicile for 10 days or more or for an aggregate period exceeding 30 days in a calendar year.23 (2) Registration under subsection (1)(a) must be with the probation office having supervision over the
24 offender. Registration under subsection (1)(c) must be with the chief of police of the municipality or the sheriff
25 of the county if the offender resides in an area other than a municipality. Whichever person an offender registers
26 with under subsection (1)(c) shall notify the other person of the registration.27 (3) At the time of registering, the offender shall sign a statement in writing giving the information
28 required by the department of justice. The chief of police or sheriff shall fingerprint the offender, unless the
29 offender's fingerprints are on file with the department of justice, and shall photograph the offender. Within 3 days,
30 the chief of police or sheriff shall send copies of the statement, fingerprints, and photographs to the department

1 of justice.

2 (4) The department of justice shall mail a registration verification form each 90 days to an offender
3 designated as a level 3 offender under 46-23-509 and each year to a violent offender or an offender designated
4 as a level 1 or level 2 offender under 46-23-509. The form must require the offender's current address and
5 notarized signature. Within 10 days after receipt of the form, the offender shall complete the form and return it
6 to the department.

7 (5) ~~(A) The AN offender is responsible~~ WHO WAS GIVEN A LEVEL 3 DESIGNATION UNDER 46-23-509, if able
8 to pay, shall pay for costs associated with registration, and the agencies processing registrations and maintaining
9 the records shall charge and collect a fee to cover their costs. The fees charged for registration may not exceed
10 the actual costs of registration. The department of justice may adopt a rule establishing fees to cover registration
11 costs incurred by the department of justice in maintaining registration and address verification records. The fees
12 collected by the department of justice must be deposited in the state general fund. Fees collected by a local
13 agency must be deposited in the general fund of the political subdivision of which the agency is a part.

14 (B) AN OFFENDER NOT REQUIRED TO PAY COSTS BY SUBSECTION (5)(A) SHALL, IF ABLE, PAY THE COSTS
15 REQUIRED BY SUBSECTION (5)(A) IF THE COURT, IN ITS DISCRETION, ORDERS THE OFFENDER TO PAY.

16 (6) The clerk of the district court in the county in which a person is convicted of a sexual or violent
17 offense shall notify the sheriff in that county of the conviction within 10 days after entry of the judgment."
18

19 **Section 2.** Section 46-23-508, MCA, is amended to read:

20 **"46-23-508. Dissemination of information.** (1) Information maintained under this part is confidential
21 criminal justice information, as defined in 44-5-103, except that:

22 (a) the name and address of a registered sexual or violent offender are public criminal justice
23 information, as defined in 44-5-103; and

24 (b) a law enforcement agency shall release any offender registration information relevant to the public
25 if the agency determines that a registered offender is a risk to the safety of the community and that disclosure
26 of the registration information may protect the public and, at a minimum:

27 (i) if an offender was given a level 1 designation under 46-23-509, the agency with which the offender
28 is registered shall notify the agency in whose jurisdiction the offense occurred of the registration;

29 (ii) if an offender was given a level 2 designation under 46-23-509, the agency with which the offender
30 is registered may disseminate the offender's name to the public with the notation that the offender is a sexual

1 or violent offender and may notify a victim of the offense and any agency, organization, or group serving persons
2 who have characteristics similar to those of a previous victim of the offender of:

3 (A) the offender's address;

4 (B) the type of victim targeted by the offense;

5 (C) the name, photograph, and physical description of the offender;

6 (D) the offenses for which the offender is required to register under this part; and

7 (E) any conditions imposed by the court upon the offender for the safety of the public; and

8 (iii) if an offender was given a level 3 designation under 46-23-509, the agency shall give the victim and
9 the public notification that includes the information contained in subsection (1)(b)(ii). The agency shall also
10 include the date of the offender's release from confinement or if not confined, the date the offender was
11 sentenced, with a notation that the offender was not confined, and shall include the community in which the
12 offense occurred.

13 (c) ~~Prior prior~~ to release of information under subsection (1)(b), a law enforcement agency may, in its
14 sole discretion, request an in camera review by a district court of the determination by the law enforcement
15 agency under subsection (1)(b). The court shall review a request under this subsection (1)(c) and shall, as soon
16 as possible, render its opinion so that release of the information is not delayed beyond release of the offender
17 from confinement.

18 (2) The identity of a victim of an offense for which registration is required under this part may not be
19 released by a law enforcement agency without the permission of the victim.

20 (3) A state or local law enforcement agency may use the internet to disseminate the information allowed
21 by this section to the public.

22 ~~(4) (A) The AN offender WHO WAS GIVEN A LEVEL 3 DESIGNATION UNDER 46-23-509, if able to pay, shall pay~~
23 ~~for the costs associated with notifying or disseminating information to a victim, person, group, entity, or the~~
24 ~~public. A local government agency giving notice or disseminating information shall charge the offender a fee to~~
25 ~~cover its costs. The fees charged may not exceed the actual costs of notification or dissemination. The fees must~~
26 ~~be deposited in the general fund of the political subdivision of which the notifying or disseminating entity is a part.~~

27 ~~(B) AN OFFENDER NOT REQUIRED TO PAY COSTS BY SUBSECTION (4)(A) SHALL, IF ABLE, PAY THE COSTS~~
28 ~~REQUIRED BY SUBSECTION (4)(A) IF THE COURT, IN ITS DISCRETION, ORDERS THE OFFENDER TO PAY."~~

29 - END -